

NEPA, Cultural Resources, and Biological Resources (NCB) Process

Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

Original Issue Date: 01/20/2000

Mandatory Document

Lessons Learned

Note: [Click here](#) for Lessons Learned that may apply to the requirements contained in this LIR.

1.0 Introduction

This document establishes the requirements that shall be implemented to ensure that the contractual work smart standards for the National Environmental Policy Act (NEPA), cultural resources, and biological resources are consistently met. These standards are measured by the performance criteria contained in LPR 404-00-00 Appendix 3 (Environmental Protection – Ecological and Cultural Resources).

The purpose of the NEPA, Cultural Resources, and Biological Resources (NCB) process is to ensure that all new and modified programmatic and facility activities (1) consider environmental issues in planning, (2) comply with NCB legal requirements, and (3) incorporate measures necessary to mitigate the effects of activities on environmental resources.

This Laboratory Implementation Requirement (LIR) shall replace Administrative Requirements 9-2 (NEPA) and 9-5 (Cultural Resources).

Unless stated otherwise in the text, this document shall be effective on the date of issue.

See Attachment 2 for recommended major implementation criteria for self-assessment.

1.1 In This Document

| Section | Table of Contents | Page |
|------------|--|----------|
| 1.0 | Introduction | 1 |
| 1.1 | In This Document | 1 |
| 2.0 | Purpose | 2 |
| 3.0 | Scope/Applicability | 2 |
| 4.0 | Definitions | 2 |
| 5.0 | Precautions and Limitations | |
| 6.0 | Requirements and Responsibilities | 3 |
| 7.0 | Documentation | 5 |
| 8.0 | References | 5 |
| 8.1 | Document Ownership | 5 |
| 8.2 | Principal Legislation and Regulations Related to the NCB Process | 5 |
| 9.0 | Attachments | 5 |

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Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

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Mandatory Document

2.0 Purpose

This LIR establishes requirements that shall be implemented for the NCB process. The requirements address screening of activities, obtaining NCB assessments, implementing mitigation measures, documenting the NCB process, and training.

3.0 Scope/ Applicability

This LIR shall apply to

- All strategic (institutional, programmatic, and long-range facility) planning.
- All new and modified programmatic and facility activities.

Activities involving classified or sensitive information shall be subject to the provisions of this LIR.

Actions taken to prevent or mitigate an emergency condition can be initiated without an NCB screening; however, the NCB screening and any necessary Ecology Group (ESH-20) assessments shall be initiated as soon as practicable.

The following shall not be subject to the provisions of this LIR:

- Office work, computer analyses and modeling, travel, and other administrative activities ([click here](#) for examples).
- Maintenance and repair activities and replacement-in-kind that have no potential to affect biological, cultural, or environmental resources.

4.0 Definitions

Biological resources - Plants and animals; for purposes of this LIR, those on the federal or state threatened and endangered species lists, other protected species, and the habitats they occupy, and flood plains and wetlands.

Cultural resources - Archeological, historic, or traditional cultural properties, whether or not there is any visible physical evidence of their existence.

Emergency condition - An unexpected, unplanned, or non-routine event which, if left unresolved, could result in detrimental consequences to personnel, property, the environment, public relations, or security concerns.

Maintenance and repair - Recurring day-to-day work required for maintaining and preserving property and capital equipment in a condition suitable for it to be used for its designated purpose.

NCB assessment - A document prepared by DOE or ESH-20 in accordance with NCB regulations. Assessments include NEPA reviews, Environmental Assessments, Environmental Impact Statements, Biological Assessments, and Cultural Resources reviews and assessments. Assessments may take days, months, or years to complete depending on the project scope.

NEPA, Cultural Resources, and Biological Resources (NCB) Process

Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

Original Issue Date: 01/20/2000

Mandatory Document

NCB reviewer - A person (or ESH-20) designated under Section 6.0 of this LIR who is authorized to conduct NCB screening.

NCB screening - The initial steps of the NCB process by which the NCB reviewer determines if NCB assessments are required.

New or modified activities - Programmatic and facility activities (irrespective of funding source), that are initiated or modified after the issue of the Site-Wide Environmental Impact Statement for Continued Operation of the Los Alamos National Laboratory (DOE/EIS 0238) (January 1, 1999) or have the potential to affect biological or cultural resources. New or modified activities include activities such as the following: excavation (including soil disturbance and road grading); construction of new facilities or modifications of existing facilities; installation and operation of new or modified equipment in such a way that would change the amount or type of environmental releases (air or water) or waste; and changes in activities that would potentially affect sensitive areas.

Replacement-in-kind - Removal and replacement of a piece of equipment or component with a different piece of equipment component that will do the same designated task.

Strategic planners - Persons who develop plans for the Laboratory at the institutional, programmatic, or facility level. Strategic planning does not include such activities as the day to day scheduling of facility work.

Work authorizer - A person who can authorize or approve work under LIR 300-00-01 (Safe Work Practices) or LIR 230-03-01 (Facility Management Work Control).

5.0 Precautions and Limitations

Cultural or biological resource reviews may be required even if NEPA is not an issue. In addition, NEPA reviews may be required even if there are no cultural or biological resource issues.

6.0 Requirements and Responsibilities

| Responsible Person or Organization | Shall |
|--|---|
| Division Director, Program Director, or Designee | <ul style="list-style-type: none">Designate the NCB reviewer(s) and notify ESH-20 of NCB reviewer(s) and areas for which the NCB reviewer will be responsible within 90 days of the date this LIR is issued. [Guidance Note: ESH-20 may be designated as the NCB reviewer.]Ensure that the requirements of this LIR are implemented for both programmatic and facility activities. |

NEPA, Cultural Resources, and Biological Resources (NCB) Process

Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

Original Issue Date: 01/20/2000

Mandatory Document

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| NCB reviewer | <ul style="list-style-type: none">• Complete initial and annual refresher training.• Apply screening criteria to determine the need for NCB assessment. [Note: See Attachment 1 for summary of screening process.] [Note: Screening process requirement shall be effective upon completion of NCB reviewer training and not later than 180 days from the date of LIR issue].• Provide ESH-20 with a monthly report of activities screened. The monthly summary form (Form 2020) or equivalent approved by ESH-20 shall be used for this requirement.• When screening indicates that an NCB assessment is required, use the ESH-ID process (click here to access the ESH-ID process) or an equivalent process approved by ESH-20 to provide ESH-20 with a detailed project description and evaluation of potential ES&H issues.• Assist work initiator in incorporating NCB requirements, costs, and schedules into work plan.• Notify work authorizer of completion of NCB screening and of any mitigation measures.• Ensure that records of NCB screenings are maintained for 3 years after screening date. |
| Strategic planner | <ul style="list-style-type: none">• Consult NCB reviewer or ESH-20 early in the plan development to ensure that NCB process is incorporated at the required time.• Incorporate costs and schedules for performing NCB assessments and for implementing mitigation measures into plan.• Provide a detailed project description and identification of ES&H issues to the NCB reviewer or to ESH-20 at an agreed upon point in plan development. [Note: The ESH-ID process (click here to access the ESH-ID process) or equivalent process approved by ESH-20 shall be used for this requirement.]• Ensure that mitigation measures are incorporated into plan. |
| Work Authorizer | <ul style="list-style-type: none">• Ensure that the NCB process is incorporated into the Safe Work Processes and Facility Work Control processes.• Ensure that identified mitigation measures are incorporated into project or work plan. |

NEPA, Cultural Resources, and Biological Resources (NCB) Process

Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

Original Issue Date: 01/20/2000

Mandatory Document

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|---------------|---|
| ESH-20 | <ul style="list-style-type: none">• Provide training and decision-making tools for NCB reviewers and document successful completion of training.• Assist the NCB reviewer in implementing the NCB screening as needed.• Provide guidance, planning assistance, cost, and schedule information, as requested.• Notify the NCB reviewer when NCB assessments are complete and provide copies of assessments, documentation, and regulatory concurrence to the NCB reviewer.• Prepare or coordinate assessments and submit for regulatory concurrence, as needed.• Maintain files for each activity for which ESH-20 prepares NCB assessments.• Provide DOE with a monthly summary of activities screened and assessed as part of the NCB process. |
|---------------|---|

7.0 Documentation

See Section 6.0

8.0 References

8.1 Document Ownership

ESH-20 shall be the Office of Institutional Coordination for developing, revising, and maintaining this document.

8.2 Principal Legislation and Regulations Related to the NCB Process

American Indian Religious Freedom Act of 1978

Archeological Resources Protection Act of 1979

Bald and Golden Eagle Protection Act

DOE NEPA Implementing Regulations (10 CFR 1021)

Floodplain/Wetlands Environmental Review Requirements (10 CFR 1022)

Endangered Species Act of 1973

Migratory Bird Treaty Act

National Environmental Policy Act of 1969

National Historic Preservation Act of 1966

Native American Graves Protection and Repatriation Act of 1990

President's Council on Environmental Quality NEPA Implementing Regulations (40 CFR 1500)

9.0 Attachments

Attachment 1. Summary of NCB Screening Process

Attachment 2. Recommended Major Implementation Criteria for Self-Assessment

NEPA, Cultural Resources, and Biological Resources Process

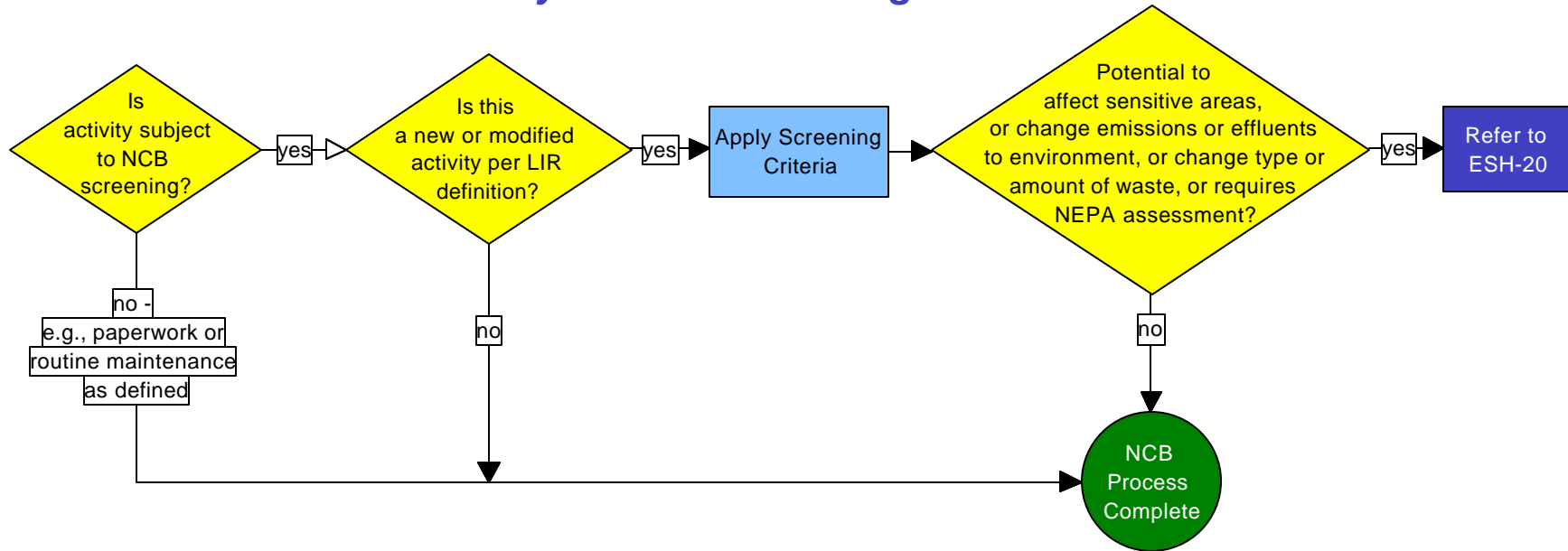
Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

Original Issue Date: -1/20/2000

Mandatory Document

ATTACHMENT 1: Summary of NCB Screening Process



Screening Criteria:

- 1) Would this activity have the potential to affect a sensitive area (historic building, other cultural resource, Threatened and Endangered species core or buffer habitats, floodplains, or wetlands) as presented in NCB reviewer training?
- 2) Would there be a significant change (increase or decrease) in air emissions or effluents to the environment?*
- 3) Would there be a significant change in the amount or type of waste?*
- 4) Does a NEPA assessment need to be conducted (e.g., no existing NEPA document/coverage or mission change) as presented in NCB reviewer training?

* Significant changes are defined in relation to permitting thresholds, facility operating parameters, and similar criteria as presented in NCB reviewer training.

NEPA, Cultural Resources, and Biological Resources Process

Los Alamos National Laboratory

Laboratory Implementation Requirement LIR 404-30-02.0

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NonMandatory Document

Attachment 2

Recommended Major Implementation Criteria for Self-Assessment

| LIR Title | LIR Number |
|---|-------------|
| NEPA, Cultural, and Biological Resource Process | 404.30.02.0 |

The major implementation criteria listed below are provided to assist Laboratory organizations assess their implementation of this LIR. These criteria provide an objective basis for self-assessing implementation of the major requirements contained in this LIR. The LIR also states requirements in other areas, such as, scope, precautions, and responsibilities that, when applied, complement the successful implementation of these requirements.

1. The most important criterion for assessing the implementation status of this LIR should be: Have the requirements contained in the LIR been communicated to the individual(s) responsible for performing the work?

2. In addition, the recommended major implementation criteria for self-assessment of this LIR are the following:

- Division Directors and Program Directors (or designees) designate NCB reviewers.
- NCB screening is completed for all work that requires the screening.
- Strategic planners consult NCB reviewer or ESH-20 early in the planning process and incorporate the cost and schedule for NCB assessments and mitigation measures into plans.
- NCB reviewers apply screening criteria to proposed activities and either notify the work authorizer that the NCB process has been completed or refer the proposed activity to ESH-20 for completion of assessments.
- ESH-20 completes assessments, notifies NCB reviewers of completions of the process (and regulatory concurrence if applicable), and communicates any mitigation measures to NCB reviewer.
- NCB reviewers notify work authorizer of completion of process and of any mitigation measures.
- Work authorizer ensures completion of NCB process before authorizing work and ensures that mitigation measures are incorporated into the work plan.